



Town of Hopkinton

Planning Department

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HOPKINTON ZONING BOARD OF ADJUSTMENT NOTICE OF DECISION JUNE 1, 2021

Notice is hereby given that the Hopkinton Zoning Board of Adjustment met on Tuesday, June 1, 2021, at 5:30 PM in the Hopkinton Town Hall and made the following decision(s):

I. Application(s).

#2021-4 Pauline Meridien Special Exception to permit outdoor wilderness activities at 334 College Hill Road, Tax Map 212, Lot 2, R-4 district, per Zoning Ordinance Table of Uses 3.6.H.12.

With only three members present to act on the application; Andy Locke, seconded by Eric Buck, moved to **CONTINUE** review of Application #2021-4 to Tuesday, June 8, 2021, at 5:00 PM via Zoom. Motion passed in the affirmative (Locke – in favor, Scheinman – in favor, Buck – in favor, and Rinden – in favor).

#2021-5 Pauline Meridien Special Exception to permit a seasonal farm stand selling goods primarily raised at 334 College Hill Road, Tax Map 212, Lot 2, R-4 district, per Zoning Ordinance Table of Uses 3.6.H.20.

At the Applicant's request, review of Application #2021-5 will be on Tuesday, June 8, 2021, at 5:00 PM via Zoom.

#2021-6 Erin Tullar Special Exception to permit a seasonal farm stand selling goods primarily raised at 860 Sugar Hill Road, Tax Map 232, Lot 11, R-4 district, per Zoning Ordinance Table of Uses 3.6.H.20.

Jessica Scheinman, seconded by Andy Locke, moved to **APPROVE** Application #2021-6 as presented. Motion passed in the affirmative (Locke – in favor, Scheinman – in favor, and Rinden – in favor). The Applicant successfully addressed all criteria to be granted a Special Exception as outlined in Section XV of the Zoning Ordinance.

#2021-7 Marissa A. Schuetz, Esq. Variance to permit an addition to the residence at 86 Maple Street, owned by Loren and Holly Clement, Tax Map 102, Lot 42, VR-1 district, per Zoning Ordinance Table 4.2 and Section 5.1.2 (a).

Andy Locke, seconded by Jessica Scheinman, moved to **APPROVE** Application #2021-7 as presented. Motion passed in the affirmative (Locke – in favor, Scheinman – in favor, and Rinden – in favor). The Applicant successfully addressed all criteria to be granted a Variance as outlined in Section XV of the Zoning Ordinance.

Subject to review and approval.

Reasons for approval:

- 1) Property Values:
 - There was no evidence that surrounding property values would diminish because of the existing non—conforming lot size, existing non-conforming setback.
 - The residence was constructed before zoning in Hopkinton.
 - The residences in the neighborhood appear to be more non-conforming in setback.
- 2) Public Interest:
 - There was no evidence that the public's interest would be negatively affected.
 - Residences in the neighborhood appear more non-conforming in setback and are larger in size than the Applicant's.
- 3) Substantial Justice:
 - The public would realize no appreciable gain from denial of the Variance.
 - The Applicant's residence is very small and less non-conforming when compared to other residences in the neighborhood.
- 4) Spirit and Intent:
 - The residence will continue to be utilized in the same manner.
 - The nature and character of the surrounding properties will not change as the abutting properties are used for residential purposes.
 - Requiring the Applicant to limit the size of the addition to not more than fifty percent of the existing residence is not necessary in order to give full effect to the purpose of the Zoning Ordinance as the residence will be of a similar size and characteristics of other residences in the neighborhood.
- 5) Unnecessary Hardship:
 - Literal enforcement of the Ordinance will result in an unnecessary hardship as the Applicant would need to demolish and reconstruct the residence in order to construct the proposed addition.

Karen Robertson
Planning Director

Ordinance §15.10: "Representations made at the public hearing or material submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking, or uses which are subject to regulations pursuant to subsection 15.8.2 or 15.8.3 shall be deemed conditions upon such special exception or variance."

Note: Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Ordinance #12, pursuant to Executive Order 2020-04, the Board was authorized to meet electronically. There was no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to the Governor's Emergency Order. In accordance with the Emergency Order, public access to the meeting by video and telephone was provided. All members of the Board had the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public had access to listen contemporaneously and, if interested, participate in the meeting through the website: <https://zoom.us/j/95385796402> or by dialing the following phone #: 1-929-205-6099 and using Meeting ID: 953 8579 6402. A mechanism for the public to alert the Board during the meeting if there were problems with access was provided.

Subject to review and approval.